

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**LUIS QUINTANILLA, on Behalf of
Himself and All Other Employees
Similarly Situated**

Plaintiffs,

V.

GREYSTAR MANAGEMENT, INC.

Defendant.

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Civil Action No. H-06-1751

Collective Action

PLAINTIFF'S ORIGINAL COMPLAINT

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Plaintiff, Luis Quintanilla, on behalf of himself and all other employees similarly situated, and files his Original Complaint.

A. Parties

1. Plaintiff, Luis Quintanilla, is an individual and a Texas resident.
2. Defendant, Greystar Management, Inc., a Texas corporation, may be served with process by serving its registered agent, Robert A. Faith, Two Riverway, Suite 850, Houston, Texas 77056.

B. Jurisdiction and Venue

3. The Court has jurisdiction over the subject matter of this action under 29 U.S.C. § 216(b) as this claim involves violations of the Fair Labor Standards Act (FLSA).
4. Venue is proper in the Southern District of Texas, Houston Division as a substantial part of the events or omissions giving rise to this claim occurred in the Southern District of Texas.

C. Facts

5. Plaintiff and other similarly situated employees of Defendant who performed maintenance work were unlawfully denied overtime compensation by Defendant in that they received no compensation for hours worked in excess of forty hours per week.

6. Quintanilla was a full time, non-exempt employee of Greystar Management, Inc. Quintanilla was paid an hourly rate of \$13.00. Quintanilla was employed by Defendant as a maintenance worker. Quintanilla's primary job duties included repairing and maintaining air conditioning, plumbing, stoves, refrigerators, dishwashers, and electrical problems, as well as cleaning and picking up trash. In performing these duties, Quintanilla was regularly required to work over forty hours per week.

7. As a non-exempt employee, Quintanilla was entitled to overtime pay of one and one half his hourly rate of \$13.00 per hour. 29 U.S.C. § 207(a). However, Quintanilla was not compensated for all hours worked in excess of forty hours at one and one half times his regular rate. Instead, Quintanilla was given one day off per month, without pay, to compensate him for the hours he worked in excess of forty hours per week. Defendant's practice of failing to pay Quintanilla time and one half for overtime hours is a violation of the FLSA.

8. The illegal pattern or practice on the part of Defendant with respect to overtime compensation for Quintanilla was in violation of the FLSA. No exemption excuses Defendant from paying Quintanilla his overtime rate for overtime hours worked, nor has Defendant made a good faith effort to comply with the FLSA. Rather, Defendant knowingly, willfully or with reckless disregard, carried out its illegal pattern or practice regarding overtime compensation and the payment of wages to Quintanilla.

D. FLSA Violations / Collective Allegations

9. The foregoing facts demonstrate that Defendant has wilfully violated the Fair Labor Standards Act with regard to Plaintiff and all other similarly situated employees.

E. Damages

10. The FLSA violations of the Defendant give rise to the following damages: back wages, liquidated damages, prejudgment interest, and attorney fees.

F. Prayer

11. WHEREFORE, Plaintiff respectfully requests judgment be entered in his favor awarding him:

- a. Overtime wages for all unpaid hours worked in excess of 40 hours per week at the rate of one and one half times his regular hourly wage;
- b. An equal amount as liquidated damages as allowed under the FLSA;
- c. An injunction against future violations;
- d. Reasonable attorney's fees, costs and expenses of this action as provided by the FLSA; and
- e. Such other and further relief as may be required by law.

Respectfully submitted,

By: /s/ Albert T. Van Huff
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